

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THERE REGULAR MONTHLY MEETING ON TUESDAY, APRIL 18TH, 2006, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Wayne Angell, Chairman
 Charles Wagner, Vice-Chairman
 Leland Mitchell
 David Hurt
 Charles Poindexter in at 2:00 P.M.
 Russ Johnson
 Hubert Quinn

OTHERS PRESENT: Richard E. Huff, II, County Administrator
 Bonnie N. Johnson, Asst. County Administrator
 Christopher L. Whitlow, Asst. County Administrator
 B. J. Jefferson, County Attorney
 Sharon K. Tudor, CMC, Clerk

Chairman Wayne Angell called the meeting to order.

Invocation was given by Supervisor Charles Wagner.

Pledge of Allegiance was led by Supervisor David Hurt.

CONSENT AGENDA
APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR –MARCH 21ST, 27TH, & 30TH, 2006

Authorization to Revise Budgetary Appropriations

To: Franklin County Board of Supervisors

 Vincent K. Copenhaver, Director of

From: Finance

Please be advised that on April 18, 2006, the Board of Supervisors of the County of Franklin authorizes by resolution, the following supplemental appropriations and transfers.

These appropriations should be allocated to the following accounts within said departments:

<u>Department</u>	<u>Purpose</u>	<u>Account Number</u>		<u>Amount</u>
Sheriff	Fuel/Wrecker Reimbursements	3102-	5408	16,872.00
Sheriff	Extradition Reimbursements	3102-	5501	733.00
Sheriff	Phone Call Reimbursements	3102-	5203	17.00
Sheriff	Project Lifesaver Donations	3102-	5105	6,985.00
Sheriff	Reimbursement - Insurance Reports	3102-	5401	105.00
Sheriff	Refund - Telephone Lines Switched	3301-	5203	111.00
General Properties	Insurance Recovery on Sign	4302-	3004	2,752.00
Information Technology	Refund	1220-	5411	68.00
Workforce	Drink Machine Commissions	8108-	5401	125.00
Public Works	Telephone Reimbursement	8305-	5203	60.00
Library	Donations, Book Sales, Other	7301-	5411	438.00
Court Services	Duplicate Payment	2109-	5501	319.00
Total				<u>28,585.00</u>

**Other
Appropriations**

Public Safety	Virginia Fire Program Funds Received	97,273.00
Public Safety	Two For Life Funds Received	42,407.30
Economic	Reimbursement from Town of Rocky Mount	6,530.00

Development		
	Fiber Conduit - Technology Drive	
Career Center	Additional Tobacco Commission Funds	421,378.00
Road Viewers	Road Funds Refunded to the County	23,865.00
Information		
Technology	Gateway Refund 3000-016-0022-7008	250.00

Transfers Between Departments

None

NATIONAL COUNTY GOVERNMENT WEEK RESOLUTION
PROCLAMATION

NATIONAL COUNTY GOVERNMENT WEEK
APRIL 23RD -29TH, 2006

PROTECTING OUR COMMUNITIES

America's counties provide a variety of essential services. Many of these services work to protect our communities.

Counties protect residents from natural disasters, terrorist attacks, crime and drug abuse. Counties are the first to respond to emergency situations and are primarily responsible for planning for disasters. Counties also work to protect families, children and youth.

There are 3,066 counties in the United States, collectively responsible for the well being of more than 250 million residents.

Counties provide services that make America's communities stronger, safer places to live and raise families. Counties police our streets, fight fires, save lives in hospitals, keep families healthy, repair bridges, plow snow, help troubled youth, train laid-off workers and perform countless other jobs.

Counties have a long history of providing critical services. County governments are the citizen's local government voice, providing solutions that bring communities together.

In recognition of the leadership, innovation and valuable service provided by our nation's counties,

NOW, THEREFORE, BE IT RESOLVED, by the Franklin County Board to Supervisors, to declare the week of April 23rd -29th, 2006 as "National County Government Week" in Franklin County.

TRIPLE CREEK PARK SPECIAL ENTERTAINMENT PERMITS (MAY 10-13 & AUGUST 25-27TH, 2006)

Sterling Belcher has requested Board approval for his Special Entertainment Permit set for *May 10^h – 13^h, 2006 and August 25-27th, 2006*. In the past, the Board has granted approval for the completed permit and setting a property bond in the amount of \$10,000.00 to be posted with the County Administrator (10) days prior to the day the festival is to begin per County Code Section 3-80. Also, a fee of \$100.00 will be posted per County Code Section 3-83.

With all of the required County departments signing off on the proposed Special Entertainment Permit, the application is in order and Mr. Belcher will execute the required property bond in the amount of \$10,000 (as in the past years set by the Board) ten (10) days prior to the event per County Code Section 3-80 and to also remit the filing fee of \$100.00 per County Code Section 3-83.

RECOMMENDATION:

Staff requests Board approval on the proposed Special Entertainment Permit subject to Mr. Belcher's remittance of \$100.00 application processing fee and the execution of the \$10,000 property bond form.

ROANOKE SYMPHONY SPECIAL ENTERTAINMENT PERMIT (MAY 13TH, 2006)

Mr. David Wiley, Music Director, Roanoke Symphony, has requested Board approval for the Symphony's Special Entertainment Permit set for *May 13th, 2006*. In the past, the Board has granted approval for the completed permit and setting a property bond in the amount of

\$10,000.00 to be posted with the County Administrator (10) days prior to the day the festival is to begin per County Code Section 3-80. Also, a fee of \$100.00 will be posted per County Code Section 3-83.

With all of the required County departments signing off on the proposed Special Entertainment Permit, the application is in order and Mr. Wiley will execute the required property bond in the amount of \$10,000 (as in the past years set by the Board) ten (10) days prior to the event per County Code Section 3-80 and to also remit the filing fee of \$100.00 per County Code Section 3-83.

RECOMMENDATION:

Staff requests Board approval on the proposed Special Entertainment Permit subject to Mr. Wiley's remittance of \$100.00 application processing fee and the execution of the \$10,000 property bond form.

PARENT'S MONTH PROCLAMATION

- WHEREAS, we honor and celebrate parents and recognize the skills, knowledge, time, and responsibility required daily for effective parenting; and
- WHEREAS, children need love, respect, caring and understanding but also need kind but firm and consistent teaching and guidelines from their parents and other involved adults to best prepare them for a good and happy life and to be good citizens; and
- WHEREAS, when parents and other concerned adults model respect and consideration to each other and to other adults, as well as to their children, their children best learn these virtues; and
- WHEREAS, parenting practices are more effective when children have as many opportunities as possible to observe and participate in family activities; and
- WHEREAS, children thrive physically, emotionally, and cognitively when parents are adequately prepared to know how best to enhance their own attitudes, knowledge, and skills; and
- WHEREAS, appropriate early experiences are vital to the development of a child's brain and have been plainly shown to minimize later academic failure, depression, addictions, teen pregnancy, delinquency and violent behavior; and
- WHEREAS, competent parenting preparation is known to be the best way of reducing the yearly abuse and neglect reported on three million children in the United States, as well as all those for whom reports are not filed; and
- WHEREAS, physically or emotionally abused children are more likely to become involved in youth and adult violence and to pass abuse, neglect and violence on to following generations; and
- WHEREAS, understanding the responsibilities and demands of effective parenting, helps young people postpone having children until they are mature and ready; and
- WHEREAS, responsible parenting education for young people will help prevent future child abuse by developing empathy, listening, problem-solving and coping skills, and an understanding of child development and appropriate discipline for our next generation of parents; and
- WHEREAS, a national poll found that the vast majority of adults in the United States support parenting education for young people; and
- WHEREAS, all children deserve fathers, mothers, and other caring adults who are prepared to be engaged, nurturing and effective.
- NOW, THEREFORE, we the undersigned hereby proclaim the period from May 14, 2006 (Mother's Day) through June 18, 2006 (Father's Day) as **PARENTS MONTH** in the Roanoke Valley.
- FURTHER, we ask that parents and others who have regular contact with children

carefully plan and carry out at least one activity in this month to foster better parenting and nurturing skills.

DAN RIVER ASAP ARTICLES OF AGREEMENT AS AMENDED & BY-LAWS
ARTICLES OF AGREEMENT
Concerning
DAN RIVER ACLOHOL SAFETY ACTION PROGRAM

These proposed Articles of Agreement are between the City of Danville, City of Martinsville, County of Franklin, County of Henry, County of Patrick, County of Pittsylvania, and Dan River Alcohol Safety Action Program, or any combination of the above listed political subdivisions approving these Articles, along with Dan River Alcohol Safety Action Program, hereinafter referred to as Dan River ASAP.

WHEREAS, Dan River ASAP came into existence by resolution of the City Council of Danville, Virginia, under the provisions § 18.2-271.1, Code of Virginia 1950, as amended, and

WHEREAS, The City of Danville, Virginia, has agreed to be and remain cash flow agency (fiscal agent) for Dan River ASAP for the purpose of applying for State and Federal grants only, and

WHEREAS, Dan River ASAP provides services to the courts of the City of Danville and City of Martinsville, County of Franklin, County of Henry, County of Patrick, and County of Pittsylvania, and develops programming and alcohol service delivery mechanisms that will primarily serve to substantially reduce the number of highway hazards and accidents resulting from the consumption of alcohol and drugs.

WHEREAS, A Policy Board is established to govern and operate the Dan River ASAP, BE IT AGREED:

1. A Policy Board of the Dan River ASAP shall be established whose purpose shall be to develop and implement operational and personnel policies of the program in keeping with the needs of the Courts, as they relate to drinking drivers, first time drug offenders, and such other ancillary programs as may be approved by the Board and necessitated by statutory changes of the Code of Virginia. The Policy Board shall develop and adopt a set of by-laws for the Board to conduct the business of Dan River ASAP as it serves the 21st & 22nd Judicial Districts; and
2. Appointees to serve as members of the Policy Board may be designated by each political subdivision approving these Articles of Agreement. Each political subdivision, after approving these Articles of Agreement, may appoint up to two (2) members to the Policy Board, each to serve a three year term, with each succeeding re-appointed member to serve a three year term; and
3. District Court Judges within the geographical area of the 21st and 22nd Judicial Districts may be members of the Policy Board; and
4. Ex-officio member of the Policy Board shall be the Dan River ASAP Director; and
5. The Policy Board of Dan River ASAP, shall be and is empowered to employ the Director of Dan River ASAP; implement personnel, and operational policies for Dan River ASAP in keeping with the provisions of the Commission on VASAP Policy and Procedure Manual; develop and submit annual operational budgets for the Dan River ASAP; solicit bids and execute contracts for services and in general tend to the physical, financial and actual operation of Dan River ASAP. The Policy Board shall be and is empowered to delegate

such powers as it deems necessary and/or advisable to the Director of the Dan River ASAP; and

- 6. Dan River ASAP shall be self-supporting or draw funds from federal or stated grant funds in such manner as to insure there is, and will be, no financial liability to any participating political subdivision; and,
- 7. The Policy Board may also select members for the Policy Board from among professional groups such as law enforcement, educational, medical and/or civic groups concerned with highway safety; and,
- 8. These Articles of Agreement shall remain in force until specifically revoked or canceled by participating jurisdictions approving these Articles of Agreement.

Each political subdivision concurring with these Articles of Agreement and desiring to be represented on the Policy Board of the Dan River ASAP, should indicate their approval of these Articles of Agreement by adoption of a resolution, a copy of which should be signed by the appropriate subdivision and submitted to the regional office of Dan River ASAP.

Revisions approved by the Dan River ASAP Policy Board on Monday, January 23, 2006.

**DAN RIVER ALCOHOL SAFETY ACTION PROGRAM
& POLICY BOARD
BY-LAWS**

ARTICLE I – NAME

The program serves the courts of the cities of Danville and Martinsville, and the counties of Franklin, Henry, Patrick and Pittsylvania with respect to those persons charged with or convicted of driving under the influence or other applicable offenses under the Virginia Code, or requesting for participation in any other ancillary programs offered by the Program, shall be known as the Dan River Alcohol Safety Action Program (Dan River ASAP).

The Board of this agency shall be known as the Dan River Alcohol Safety Action Program Policy Board.

ARTICLE II – AUTHORITY

Danville City Council on July 13, 1976 authorized a feasibility study for establishment of a VASAP program through Resolution No. 76-7.1. The VASAP project became operational on November 1, 1977. The Dan River Alcohol Safety Action Program exists pursuant to Articles of Agreement between the political subdivisions listed in Article I and the Policy Board. This agreement implements House Bill 1662 as it created Chapter 601, Section 18.2-271.1 of the Code of Virginia, as amended, and as so provided, is a public body with all the powers and duties granted to it by the Code of Virginia.

ARTICLE III – DEFINITIONS

“Board”	means the Dan River ASAP Policy Board.
“Participating Jurisdiction”	means any of the governmental subdivisions being parties to the Articles of Agreement.
“Program”	means the Dan River ASAP.
“Year”	means a one year period, unless otherwise noted, a one year period beginning July 1 and ending the following June 30, and the fiscal year of the program shall be such year.

ARTICLE IV – STATEMENT OF PURPOSE

The Program is a local court services program that shall strive to use community and state services to reduce the problem of driving under the influence of alcohol and/or drugs, in an effort to improve transportation safety both locally and statewide. In conjunction with the regulations and policies of the Commission on VASAP, the Program shall identify and provide appropriate services to court-referred individuals convicted of or referred for such offenses as Driving Under the Influence, Reckless Driving, Illegal Use or Possession of Alcohol or other Drugs, and Habitual

Offender violations. The Program shall provide intervention in the form of education, training, referral to treatment, as well as probation and monitoring services, and other programs as may serve the needs of the participating jurisdictions.

ARTICLE V – GOALS AND OBJECTIVES

GOALS:

To provide court referral services and other programs in an effort to improve transportation safety by decreasing the number of driving under the influence of alcohol, drugs and other violations of the Code of Virginia, thereby reducing crime and alcohol/drug related driving incidents/crashes.

OBJECTIVES:

1. To deter the motoring public from driving under the influence (DUI), and involvement in other transportation related alcohol/drug incidents.
2. To deter those arrested and/or convicted of DUI and other alcohol/drug violations from repeating those offenses.
3. To cooperate with and assist in training of those authorities mandated to identify, apprehend and convict offenders for driving under the influence of alcohol/drugs and other violations of the Code of Virginia.
4. To facilitate the rehabilitation of alcohol/drugs and other offenders referred to Dan River ASAP.
5. To ensure the professional delivery of appropriate intervention services to referred offenders, and the maintenance of probationary supervision.
6. To provide for and participate in the offender tracking service of the Commission on VASAP.
7. To participate in programs to increase public awareness of the dangers and legal consequences of driving under the influence and other alcohol/drug related violations.
8. To provide effective court and community programs, to maintain a self-supporting Alcohol Safety Action Program, and to support the Commission on VASAP.

ARTICLE VI – POLICY BOARD

The Policy Board may consist of five to fifteen members and shall develop policies for the operation of the Program. Members of the Board shall be appointed by the participating political subdivisions and additional members may be elected by the Board. They will represent and will serve for a term of three years, each year to run concurrent with the fiscal year July 1 through the following June 30. Other members of the Board may be elected by a majority vote of the current members. In addition, the Program Director shall be an ex-officio member without voting power. Board members serving subsequent terms shall be re-appointed by the political subdivisions they represent or re-elected by the Board. The membership should, in the discretion of the local participating jurisdiction, be selected or elected from the judiciary, law bar, law enforcement, education and other interested groups.

If a vacancy occurs among the membership of the Board, the jurisdiction then without representation will be requested by the Board Chairman, through the Program Director, to appoint an individual of its choice within a reasonable time, not exceeding two months, to fill the unexpired term of the vacancy. If no appointment is made by the political subdivision the Board shall elect a representative from said jurisdiction to insure that each jurisdiction shall have representation.

ARTICLE VII – POWERS OF THE POLICY BOARD

This Board shall have the following powers:

- a. To oversee and be responsible for the operation of the Program.

- b. To monitor the development of and approve all programs necessary for the successful and efficient operation of Dan River ASAP.
- c. To appoint, supervise and, if necessary, terminate the Executive Director, fix compensation and prescribe powers and responsibilities in keeping with the Commission on VASAP Policy and Procedure Manual.
- d. To establish staffing needs and authorize expenditure of funds as compensation therefore.
- e. To establish policy in connection with the expenditure of all funds available through the appropriation and collections of the Program.
- f. To monitor the development of and approve an annual budget to assure fiscal responsibility in the expenditure of funds collected by the Program. To approve line item transfers within the annual budget pursuant to requests of the Executive Director and to meet the needs of the Program.
- g. To direct the Executive Director to secure an annual state or independent audit of all financial records of the Program.
- h. To contract with and monitor any person, corporation, agency, or entity, public or private, meeting the qualifications of the Commission on VASAP Policy and Procedure Manual and the Code of Virginia for the furnishing of educational, analytic or alcohol/drug treatment, or other program services.

ARTICLE VIII – OFFICERS AND DUTIES

SECTION 1. – OFFICERS

The Board officers shall consist of a Chairman, Vice-Chairman, Secretary/Treasurer, and such subordinate officers as may from time to time be elected or appointed by the Board. Each of said officers shall serve without compensation. Board members shall hold the offices of Chairman and Vice-Chairman from different participating jurisdictions.

SECTION 2. – TERMS OF OFFICE

Each officer shall be elected at the annual meeting of the Board to serve a term for the fiscal year of July 1 through June 30, unless sooner removed by the Board, or until his/her successor is elected. No elected officer may serve more than two consecutive years in one office. Any vacancy occurring in an office shall be filled for the unexpired term by the Board at the regular quarterly meeting following the occurrence of such vacancy. If the vacancy occurs in the office of the Secretary, an acting Secretary shall be immediately appointed by the Board Chairman to serve until the Board may act in accordance with the above provision.

SECTION 3. – ELECTIONS

The Chairman shall, at the regular meeting preceding the annual meeting at which the election of one or more officers shall be held, appoint a Nominating Committee of the Board which will nominate candidates for the offices to be filled and present these candidates to the Board for elections at its annual meeting. Further nominations may be made by any Board member at the meeting at which the election is held. Election of officers may be made by voice or hand ballot unless changed by unanimous vote of those present and voting. Voting may not be by secret ballot. A quorum must be present and voting in order to constitute an election. No officer may serve more than two consecutive terms in the same office. All officers shall take office on the first day of the month following their election and shall serve until their successors are installed in office.

SECTION 4. – CHAIRMAN

The Chairman shall:

- a. Co-sign, with the Executive Director, all checks written on the Program funds by the Bookkeeper for payment of Program Staff salaries, benefits, and debts incurred by the

operation of the Program. The Chairman may designate a Board member to co-sign, with the Executive Director, all checks issued by the Bookkeeper.

- b. Preside at all meetings of the Board and to vote at said meetings as any other member.
- c. Consult with the Executive Director in the implementing of policies established and the actions taken by the Board.
- d. Appoint all committees deemed necessary for the operation of the Board and the effective implementation of the Program.
- e. Work closely and meet regularly with the Executive Director of the Program.
- f. Perform any and all other duties as determined by the Board.
- g. Freely exercise all other powers and duties customarily pertaining to the office of Chairman of the Board.

SECTION 5. VICE-CHAIRMAN

The Vice Chairman shall, in the event of the absence of the Chairman or his/her inability to perform any of the duties of his/her office or to exercise any of his/her powers, perform such duties and possess such powers as are conferred upon the Chairman, and perform such other duties as may from time to time be assigned by the Chairman of the Board.

SECTION 6. SECRETARY

The Secretary shall attend all Board meetings and keep a record of the proceedings. The program director shall not serve as secretary.

ARTICLE IX – MEETING AND VOTING

SECTION 1. – PARLIAMENTARY PROCEDURE

The Board meetings shall be governed by Roberts Rule of Order in all cases to which they are applicable and in which they are not inconsistent with these by-laws.

SECTION 2. – REGULAR MEETINGS

The annual meeting shall be held the first fifteen days of June. Officers shall be elected at such annual meeting. Regular meetings of the Board shall be held quarterly in September, December, March, and June, or as may be approved by the members of the Board.

The order of business at all regular meetings shall be; (1) call to order, (2) roll, call, (3) approval of minutes, (4) unfinished business, (5) new business and (6) adjournment.

Regular meetings shall be open to the public. However, the Board may go into executive session when appropriate under the law.

SECTION 3. - SPECIAL MEETINGS

Special meetings may be called by the Board Chairman at his/her discretion, upon request of the Executive Director of the Program, or by any two (2) Board members. Notice of the time, place and purpose of the special meeting shall be given to all members at least 48 hours in advance.

SECTION 4. - QUORUM

A simple majority and/or representation of participating jurisdictions that compose the Dan River ASAP area and the presence of at least one duly elected officer shall be deemed a quorum.

SECTION 5. – VOTING

Each member of the board shall be entitled to one vote on matters before the Board. All actions of the Board shall be by a simple majority vote of all members present and voting.

SECTION 6. – ABSENCES

Any Board member absent from three consecutive meetings of the Board or its committees, shall be deemed to have resigned.

SECTION 7. – AGENDA

The agenda for each meeting may be set by the following:

- a. Chairman of the Board
- b. Executive Director of the Program
- c. At request of any two (2) Board members.

ARTICLE X – COMMITTEES

The Board may establish such special, standing, advisory, technical or other committees as it shall deem desirable for the transaction of its affairs.

ARTICLE XI – ANNUAL AND OTHER REPORTS

The Director shall provide an annual report summarizing the financial status and activities of Dan River ASAP for the previous fiscal year. The report, once submitted and reviewed, shall be made available to the Commission on VASAP to all participating jurisdictions and to each Board Member.

ARTICLE XII– ADMINISTRATION

SECTION 1. – STAFF

The Board shall employ an Executive Director for the Program who shall be responsible for employing a Program staff of qualified professionals and other persons. The Board shall pay them such compensation, as it deems necessary within the limits of the Program income.

SECTION 2. – EXECUTIVE DIRECTOR

The administrator of the Program and the staff supervisor shall be the Executive Director. The Director shall be selected by the Board membership and shall be hired in conjunction with the provisions set forth in the Commission on VASAP Policy and Procedure Manual. The Director shall have direct supervision and control of staff employees and management of the Program subject to the authoritative guidance of the Board.

SECTION 3. – DUTIES OF THE EXECUTIVE DIRECTOR

The duties of the Executive Director shall be:

- a. Maintain and manage the business office of the Program.
- b. Be custodian of all Program property and records.
- c. Conduct the correspondence of the Program.
- d. Assist the Board Officers and Committee Chairmen in carrying out their duties.
- e. Administer all programs and projects adopted by the Board.
- f. Develop and periodically update personnel policies and grievance procedures.
- g. Prepare annual progress and financial reports for submission to the Board, local units of government, and appropriate state agencies.

- h. Plan, initiate, and stimulate the development of programs and services for drinking drivers, substance abusers, and other violators referred to the Program pursuant to the Code of Virginia and under the terms of the approved operational plan.
- i. Administer the financial resources of the Program with the assistance of the Board Chairman, and as prescribed by the Board.
- j. Create and maintain public interest and support for activities in the area of the drinking driver, substance abuser, highway safety and others enrolled in the Program.
- k. Develop recommendations for the creation of new services.
- l. Monitor and evaluate the programs with which the agency has contractual agreement for the delivery of alcohol/drug diagnostic, educational, or treatment services.
- m. Participate in coordinating program planning and development of alcohol/ drug services among district level public and voluntary agencies whose primary concerns are related fields such as welfare, health, employment, and recreation.
- n. Keep abreast of emerging program developments, available resources, and legislative action affecting the drinking driver, substance abuser, highway_safety, and others enrolled in the Program, and disseminating such information to appropriate agencies and professional persons.
- o. Issue reports and attend all meetings of the Board and its standing committees.
- p. Employ, supervise, direct, and dismiss employees as deemed necessary for the efficient and quality operation of the Program.
- q. Perform other duties as the Board may delegate.

SECTION 4. – EXECUTION OF INSTRUMENTS

The Executive Director of the Program shall have the power to sign agreements, contracts and other instruments for the obtaining of services necessary for the successful operation of the Program subject to approval of the Board. Unless otherwise provided, the Director shall sign or countersign vouchers in payment of obligations incurred by the Program.

ARTICLE XIII – FINANCES

SECTION 1. – BUDGET

- a. The Board shall supervise the preparation of an annual operating budget and shall submit the proposed budget to the Commission on VASAP for approval no later than April 30 of each year. The Board may make adjustments in the budget as is deemed necessary during the annual budget period.
- b. The annual budget shall show anticipated revenue from all sources, proposed cash outlays for all operating expenses, capital equipment, and improvements. Each proposed expenditure shall be justified and explained in appropriate detail.

SECTION 2. – REVENUES

Revenues for operating budget expenditures shall include funds received from all sources.

SECTION 3. - CAPITAL EXPENDITURES

- a. Real Estate – The Board may lease real property, or may contract for office_space. In the event a Program plant is furnished by a participating jurisdiction, the Board shall determine the method by which payment and/or credit for the furnishing of the physical facilities shall be given; provided, however, that such method and the proposed amount of such payment and/or credit, shall be subject to the approval of the participating jurisdictions. Improvements becoming a part of the real estate shall be provided for in the same manner.

- b. Equipment – The Executive Director of the Program may purchase equipment as deemed needed for the efficient and continued quality functions of the Program. Equipment purchases under \$2000 need not be listed as capital assets nor depreciated over a five-year period.

SECTION 4. – DISBURSEMENTS

Only expenditures approved by the Board and/or the Executive Director of the Program, consistent with the approved budget line items may be disbursed.

SECTION 5. – AUTHORIZED PAYMENTS

Payments shall be made by checks signed by the Executive Director and either the Chairman or Vice-Chairman or other duly designated board members. In the absence of the Executive Director, checks may be signed by Board members designated to sign agency checks.

SECTION 6. - BONDS

The Board shall cause fidelity bonds to be issued covering each of the members of the Board and Program employees. The bond shall be in an amount deemed adequate based on the amount of funds received.

SECTION 7. - AUDITS

The Policy Board, through the Executive Director of Dan River ASAP, shall cause annual audits of all the financial activities of the agency.

SECTION 8. - DISBURSEMENT OF PROPERTY UPON DISSOLUTION OF AGENCY

Ownership of property acquired by Dan River ASAP shall be vested with the Board so long as two or more local jurisdictions continue to participate in its operation. In the event that all local units of government withdraw and the Commission on VASAP withdraws its endorsement, all property owned by the Board shall be disposed of in accordance with the then applicable provisions of the Code of Virginia. If necessary, the advice of the office of the Attorney General and/or a Circuit Court of the jurisdictions participating in the Program will be obtained.

ARTICLE XV – CAPTIAL ASSETS

- a. Real Estate – The Board may own real property.
- b. Equipment – The Board may own such equipment and other personal property deemed necessary for the efficient functions of the Program.

ARTICLE XVI – DURATION AND TERMINATION

The Program shall exist in perpetuity, subject to dissolution under any of the following conditions;

- a. Dissolution by action of the Virginia General Assembly
- b. The Commission on VASAP withdraws its endorsement.

ARTICLE XVII – AMENDMENTS

Any proposed amendment, repeal or alteration, in whole or in part of these By-Laws, shall be made at any meeting of the Board by an affirmative vote of a majority of members present and voting. All proposed amendments shall be mailed to the members of the Board at least sixty (60) days prior to such meetings.

APPROVED BY POLICY BOARD: *August 25, 1982*
 ADOPTED BY POLICY BOARD: *August 25, 1982*

AMENDED AND ADOPTED:

September 16, 1987
January 10, 1990
March 3, 1993
January 23, 2006

LIBRARY BOOKMOBILE BID AWARD

The Library is currently using a 1989 Turtle Top bookmobile that has required extensive repairs in recent years and is in poor condition. With the assistance of U.S. Congressman Virgil Goode, the Franklin County Library recently secured a \$99,200 grant from the U.S. Department of Housing and Urban Development (HUD) to purchase a replacement bookmobile. In addition, the County's current budget has set aside \$10,000 in capital improvement funds for the project. Therefore, approximately \$109,200 is currently available for the project. At its February 21, 2006 meeting, the Board of Supervisors gave its consent for the Library to solicit bids for a new bookmobile.

In order to effectively utilize the federal grant money and get the best practical bookmobile for the county, the Library requested prospective vendors to submit bids on three varying lengths of bookmobile vehicles: 24', 26', and 28' feet respectively. After some research and discussion with other public libraries, fleet managers, and commercial vehicle vendors, it was suggested a diesel engine be considered for the new bookmobile. It was noted diesel engines provide better fuel economy, have a good maintenance schedule and have a better longevity record than typical gas engines as with the current bookmobile. Therefore, prospective vendors were also asked to include price quotes with optional diesel engines. Miscellaneous options, such as the price for painting the bookmobile multiple colors, were also included in the bid request.

A bid opening was held at 4:00 PM on Friday, March 31, 2006. County Library Director David Bass and Finance Director Vince Copenhaver presided over the bid opening, whereby the County received bids from four bookmobile vendors. On Wednesday, April 5, 2006 Assistant County Administrator Chris Whitlow, Library Director David Bass, Landfill Manager Barry Sink, and General Properties Director Mike Thurman reviewed the bids and examined them for compliance with the specifications and value for the County.

The current bookmobile is twenty-eight feet long and meets the Library's needs in terms of shelf space. Matthews Specialty Vehicles of Greensboro, NC was the low bid on a twenty-eight foot, diesel engine vehicle at \$103,380. Matthews will give the county a \$5,000 trade-in allowance on the current bookmobile for a net bid of \$98,380. The next lowest bid on a twenty-eight foot, diesel engine vehicle was Brightbill Bus Sales of Joppa, Maryland of \$115,643 with a trade-in allowance of \$3,000 for a net bid of \$112,643.

The group concluded the Matthews Specialty Vehicles low bid meets the overall project specifications. Moreover, the vehicle will be constructed of well-known brand name components, such as a Chevrolet chassis, Allison transmission, Duramax engine, Michelin Tires, etc. Matthews has built numerous bookmobiles for libraries in Virginia, including the public libraries in Courtland, Gloucester, Norfolk, Waynesboro, and Williamsburg, as well as James Madison University. References conclude Matthews is a reputable firm that does good work. The Director of General Properties has reviewed this request with the County vehicle committee.

Library Director David Bass has requested and been given permission from Central Oil to arrange an account for the County Library to utilize Central Oil for the purpose of purchasing diesel fuel for the proposed, new bookmobile. Currently, the County has such an arrangement with Central Oil for County Landfill vehicles. In addition to Central Oil, Library Director David Bass has submitted a request to the Franklin County School System to utilize the School Board's Fuel Station for the purpose of fueling the new bookmobile. The Library had such an arrangement with the School System years ago with an older bookmobile.

RECOMMENDATION: Staff respectfully requests the Board of Supervisors authorize staff to award the low bid and enter into a contract with Matthews Specialty Vehicles of Greensboro, NC for the construction and delivery of a twenty-eight foot long, diesel engine, series 1000 bookmobile at the net bid amount of \$98,380. Staff further recommends any features, such as painting, security back-up video camera, etc. be purchased / installed with a price not to exceed the \$109,200 project budget.

RATIFICATION OF PROCUREMENT AWARD FOR WILLARD CONNECTION PARTS

The Board of Supervisors approved the connection and transfer of the Westlake Towne Center water system on 1-17-06. The County staff worked with T+L and Willard Construction of SML, Inc., on plans for the connection point. The connection is on a deadline to be accomplished this

Spring-Summer. The County has maintenance and new connection contractors on standby agreement (previously approved by the Board of Supervisors), and Pace Company has been selected to perform the installation based on the hourly rates in the contract, at an estimate of \$29,300. The County bid the parts for the connection and both the parts and installation for the telemetry and electrical work.

Bids followed County procurement guidelines and were received on Friday, April 7th, 2006, and have been reviewed by the staff with the assistance of the County Attorney. The staff has notified the low bidders that the award for the low bids have been made to them. It is important to be timely so that parts orders can be placed and fulfilled when needed. Some of the parts have a lag time on fabrication and delivery.

The results are as follows, and award has been made to the company whose name is bolded:

PARTS: **Hughes Supply** **\$24,426.28**
 CMC \$30,085.14

ELECTRIC AND TELEMETRY PARTS AND INSTALLATION:
 Montvale Construction, Inc. **\$18,000.00**

Although advertised, there were no separate bids received for the Pressure Reducing Valve or the Pressure Reducing Valve

Vault and Manhole. The companies who bid on the PARTS had both included the Pressure Reducing Valve on their bid, and therefore the valve is included in the PARTS bids. The staff is directly soliciting written quotes on the Valve Vault, according to procurement guidelines.

It is requested that the Board of Supervisors ratify the bid awards to the low bidders above (in bold) and that it authorize the County Administrator to follow procurement guidelines to obtain the remaining vault item.

RECOMMENDATION: It is recommended that the Board of Supervisors ratify the bid awards regarding the Westlake Towne Center Water Connection to the following bidders:

PARTS: **Hughes Supply** **\$24,426.28**

ELECTRIC AND TELEMETRY PARTS AND INSTALLATION:
 Montvale Construction, Inc. **\$18,000.00**

It is also recommended that the Board of Supervisors authorize the County Administrator to follow procurement guidelines to obtain the remaining vault item, and proceed with the construction of the point of connection by Pace Company, Inc., working under a maintenance and connection contract with the County.

APPROVAL OF SECTION IV. PROCUREMENT POLICY PPEA GUIDELINES

The County Procurement Policy was written to establish uniform standards and procedures in the procurement of goods, supplies and services for the Franklin County government offices. The policy is a method to help insure that department heads and other individuals responsible for purchasing within the County have a reference source to use in responding to questions on law and procedures. It was last updated by the Board of Supervisors on April 19th, 2005.

Since the time of the last update, the State Procurement Code has been changed and updated to reflect changes in policy and procedure for the Commonwealth of Virginia, allowing public—private partnerships as a procurement option for localities. The procurement policy for the County has been amended to reflect the Public-Private Education Facilities and Infrastructure Act Guidelines adopted by the Board during their March 30th, 2006 meeting. The following has been amended to read:

IV. METHODS OR PROCUREMENT (2.2-4303)

- c. ***The Board of Supervisors adopted guidelines for the Public-Private Education Facilities and Infrastructure Act Guidelines on March 30th, 2006. In processing proposals under the PPEA, both solicited and unsolicited, the County it will follow procurement guidelines that are consistent with other than professional services through “competitive negotiation,” as that term is defined in Section 2.2-4301 of the Code of Virginia. The Board of Supervisors finds that doing so is likely to be***

advantageous to the County and to the public based upon 1) the probable scope, complexity or priority of need 2) the risk sharing including guaranteed costs of completion guarantees, added value, debt or equity investments proposed by a private entity or 3) increase in funding dedicated revenue or other economic benefit that would not otherwise be available to the County. (See also Appendix 1.)

RECOMMENDATION:

Staff respectfully requests the Board's consideration and adoption of the ***bold/italicized*** amended verbiage to Section IV. Methods of Procurement (2.2-4303) of the County's Procurement Policy as presented.

STATE WATER PLAN

The Department of Environmental Quality (DEQ) of the State of Virginia requires that every locality provide a water plan that covers a broad range of planning topics. If an individual plan, it must be submitted by 2008, but is a regional plan, by 2011.

The State Water Plan will include a demand analysis, evaluate alternative water sources, potential use conflicts among users of a source, review the adequacy of public and private supplies, encourage regional solutions, set up a process for ongoing review and update every 5-10 years.

The State has \$300,000 in grant money each of the upcoming planning years, with a maximum of \$50,000 per year for each planning effort (regional or individual). The cost of the plan is not yet known. The upcoming FY 2006-07 Franklin County budget includes \$50,000 in State Water Plan funding if needed for the County's share. It appears that several years of work will be needed to provide the information that is contained in the plan, with some work performed by the PDC and some by the County.

The County is presently working on its water projections for use in this planning effort and in the AEP re-licensing studies.

The County participated in a regional plan through the Roanoke Valley-Alleghany PDC a couple of years ago, and that information will be re-useable, but unfortunately incomplete as regards the requirements of the State Water Plan.

Rocky Mount and Boones Mill are joining this regional study, and the Ferrum Authority will be working closely with the County on any information requirements. Bedford County, Roanoke County, Roanoke City, Salem, Vinton, and Botetourt are also part of this planning process.

RECOMMENDATION: It is recommended that the Board of Supervisors consider passage of the attached resolution which joins the State Water Plan effort by the Roanoke Valley-Alleghany Planning District Commission.

RESOLUTION

In Support of a Regional Effort to Develop a Regional Water Supply Plan In Accordance with Virginia's Local and Regional Water Supply Planning Regulations

WHEREAS, improved coordination of drought response and water resources management activities at the local, regional and state levels are essential to guaranteeing the adequacy of Virginia's water supplies to meet the current and future needs of Virginia's citizens in an environmentally sound manner; and

WHEREAS, the Code of Virginia, as amended, requires the development of a comprehensive statewide water supply planning process to: (1) ensure that adequate and safe drinking water is available to all citizens of the Commonwealth, (2) encourage, promote, and protect all other beneficial uses of the Commonwealth's water resources, and (3) encourage, promote, and develop incentives for alternative water sources; and

WHEREAS, Virginia's Local and Regional Water Supply Planning Regulation requires that "all counties, cities and towns in the Commonwealth of Virginia shall develop a local water supply plan or shall participate in a regional planning unit in the submittal of a regional water supply plan to the Board in accordance with this chapter"; and

WHEREAS, the regulation, defines a “Regional Planning Unit” as a collection of local governments who have voluntarily elected to develop and submit a regional water plan, and local governments electing to participate in the submittal of Regional Water Supply Plans must notify the Virginia Department of Environmental Quality of the intent to participate in a Regional Plan by November 2008; and

WHEREAS, the Counties of Bedford, Botetourt, Franklin, and Roanoke, the Cities of Bedford, Roanoke and Salem, and the Towns of Boones Mill, Rocky Mount, and Vinton desire to participate in a cooperative regional effort to develop and submit a regional water plan, as a “Regional Planning Unit”, where the plan will result in the proposed development of future water supply projects that accommodate the long-range water supply needs of the participating local governments; and

WHEREAS, the Roanoke Valley-Alleghany Regional Commission has agreed to assist participating localities in applying for and coordinating a regional Water Supply Planning Grant from the Virginia Department of Environmental Quality to assist in development of a regional water supply plan that meets the criteria and conditions established in the Commonwealth’s Local and Regional Water Supply Planning Regulation.

NOW, THEREFORE BE IT RESOLVED, that the County of Franklin, Virginia, will participate, as part of a regional planning unit, in a water supply planning effort to develop a regional water supply plan in accordance with Local and Regional Water Supply Planning Regulation (9 VAC 25-780).

AMERICAN CANCER SOCIETY/DISCOVERY SHOP @ SMITH MOUNTAIN LAKE/TAX EXEMPT STATUS

Mrs. Ruth Boyd, Office Manager, American Cancer Society, has submitted a letter dated December 5, 2005, (attached hereto) requesting the Board of Supervisors’ approval for Merchant’s Capital Tax exemption status on the following taxes:

PERSONAL PROPERTY DUE	MERCHANT’S CAPITAL TAX DUE	LATE PAY PENALTY	INTEREST DUE	TOTAL
\$8.35	\$100.00	\$11.64	\$2.15	\$130.13

Since this time, the American Caner Society has remitted \$130.13 for the 2005 tax year (including the late pay penalty and interest due) and is seeking exemption beginning with the **2006** tax year in the amount of **\$108.35**.

In this request Mrs. Boyd has submitted all pertinent information in Section 58.1-3651 of the State Code (attached hereto).

RECOMMENDATION:

Staff respectfully request Board authorization to advertise for public hearing during the Board’s *May 16th, 2006, Board meeting* for the requested Merchant’s Capital Tax exemption status beginning with the **2006** tax year in the amount of **\$108.35**.

APPOINTMENTS:

Bill Gibson (Library Board) Boone District – Said Term To Expire 6/30/2009

(RESOLUTION #01-04-2006)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented above.

MOTION BY: Russ Johnson
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Wagner, Johnson, Quinn & Angell
ABSENT: Poindexter

TREASURER’S MONTHLY REPORT

Ms. Lynda Messenger, Treasurer, presented her monthly Treasurer’s Report.
Ms. Messenger advised the Board real estate collections is at 97% and personal property is at 96%, dog tags up from 9,000 + to \$16,922 this year; 5,613 more decals sold in 2006 rather than 2005.

David Hurt inquired the Treasurer's thoughts on doing away with the county decals. Ms. Messenger felt other localities were indeed implementing this and felt it would be most beneficial for Franklin County to follow with the omission of decals.

(RESOLUTION #02-04-2006)

BE IT THEREFORE RESOLVED by the Board to approve the Treasurer's monthly report as submitted.

MOTION BY: David Hurt
 SECONDED BY: Leland Mitchell
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Wagner, Johnson, Quinn, & Angell
 ABSENT: Poindexter

VDOT/CLEMENT'S MILL ROAD

Mel Quesenberry, VDOT, Resident Engineer & Scott Woodrum, VDOT, Salem District & Design Division,. Mr. Quesenberry presented the following questions/answers pertaining to Clements Mill Road:

The Department's answer to Bonnie Johnson's questions by Email of April 1, 2006:

The following are answers I can provide now in brown italics:

1) If the County found the money to front this project somehow, would the State pay us back? And if so, through what pot of money? One idea I had was through giving the County some each year in the Six-Year Road Plan instead of spending it on the project, or saving it toward the project. This would be one way to get to it, although the Board would have to grapple with the issue that it's not on that Road Plan yet.

It's possible - it would have to be secondary construction funds BUT the key is it would have to be in the secondary six year plan. The County and State would have to have an agreement, an example of one from a previous agreement stated "not more than one-third of the annual secondary system highway funds apportioned to a county under this section may be used to reimburse the county for (I) debt service for bonds or (II) eligible project costs incurred on approved projects included in the county's Secondary Six-Year and the county's capital improvement program."

2) David Vogelsong has some historical information from DHR which indicates eligibility for the historic register (probably the Virginia-- he'd have to tell us if the National or not). Is that enough to get us T-21 money? Is that enough to be able to rebuild as a one-lane?

Since these are Federal dollars, Federal authorization is review and approval is required, so I cannot answer for eventual approval on whether the County's application is approved. The County will need to sell the concept by use of the application and all information available in its research. As noted in the paper copy of the PowerPoint, project eligibility must have a relationship to the surface transportation system and must qualify under at least one of the 12 eligible Enhancement Activities (outlined in the PowerPoint as Activity 1: Pedestrian & Bicycle Facilities, Activity 2: Bicycle & Pedestrian Safety and Education Activities,, Activity 12: Establishment of Transportation Museums).

3) Have you asked Structures and Bridges Engineer if 1-lane is enough and they'll approve that? We cannot plan on any project without this answer. There is no way we could apply for T-21 for instance because we could end up asking for too little money.

Any replacement of the bridge by any other program than T-21 will, in all likelihood, not be approved. This is based on reviews of past requests for approval of anything other than a 2-lane structure complying with current bridge standards. Application for T-21 would be couched in terms of the need for a similar structure (truss, one-lane) to be an aesthetic compliment to the mill site.

4) How long would it take to move this through the Six Year Plan, in your estimation?

Unknown. Depends on fiscal climate, available funding, the desires of the BOS, whether other projects fall out due to unavailability of right-of-way or project opposition, and the needs of other roads/bridges in Franklin County.

5) Is it eligible for T-21 if built new or rebuilt? 1 lane? 2 lane?

A new bridge will have to be constructed from what we have seen in the field but from what I keep hearing - as stated in number 7 - aesthetically, it needs to be as close to what is there or it defeats the purpose of "historical preservation".

6) Which T-21 category does this fit into? It doesn't seem to fit if building for auto use-- am I wrong on that?

The County would need to determine the category based on information it can gather for the application for T-21 funds.

7) Is it "historic preservation" if it is rebuilt to new standards or would it have to be rebuilt to what it is today?

If it is in the historic preservation category of the Enhancement Funds it would have to be built to what is out there now and it would have to be built to standards. With a one lane structure that would have to be approved through Central Office - a design exception would have to be approved because we just don't do many of those these days.

8) Where could the County get the 20% match for T-21?

It would be up to the County to determine source. It cannot come from the Secondary Six-Year Improvement Program.

9) Is this a possible revenue sharing project?

Yes. The percentage provided by the State would be questionable. As experience has noted, 50% is the maximum match from the Department but in the past year, has been more like 23%.

10) Is this a possible rural addition project (if we get that program back)?

No. The Rural Addition Program is for improving roads not currently in the State system to appropriate standards for addition to the State system of roads.

11) Can the T-21 match be Rural Addition money?

No. The Rural Addition Program is for improving roads not currently in the State system to appropriate standards for addition to the State system of roads.

12) Your cost estimates would be good for how long?

I'm not going to put a time on it given the fluctuations of fuel costs, which affects delivery of materials as well as the manufacturing of components and costs of studies, etc.. I would think that the prices should be monitored at the very least every 8 to 12 months.

13) On T-21 or the other programs, would the State do the engineering plans and specs and do the construction? If not, do we need extra money in the budget for those kind of items?

From my experience with the recreational access program, the only responsibility VDOT has is the SERP (State Environmental Review Process). I am assuming it is the same with this funding. According to the section of your manual (that we provided to you) labeled "Enhancement Program Procedure Manual", page 12 under Plan Design, it states "project plans may be prepared in-house using payroll employees or may be contracted out to an engineering firm." There is more information there about it but I won't quote the entire section.

IDEAS DISCUSSED ON CLEMENT'S MILL ROAD BRIDGE REPLACEMENT;

QUESTIONS ON REVENUE SHARING

I. Financing Ideas:

- Revenue Sharing-Can place the project on 6-Year Plan as a Revenue Sharing project and the County continue to escrow each year a share until there is sufficient funding to go forward. If the project costs \$536,000, then 70% of that is \$375,200. However the State would likely require a 2-lane bridge replacement which will require land acquisition, so the price could go a great deal higher. Only enormous efforts to otherwise convince the State could achieve a design exception for a one-lane bridge replacement.
- 6-Year Plan-Place it on this plan and wait for it to come up (9+years?). Very high probability of a 2-lane bridge and associated costs.

- T-21-This is the only option which may be able to replace the bridge as a one-lane bridge. The County would need 20% match and the project price could be higher than \$536,000 if a consultant is hired to do this project. The County would need a design exception to do a one-lane bridge replacement based on historic value. This summer, the DHR will provide information that the bridge is eligible for listing. The question of category is still to be determined-perhaps historic. There is a June VDOT workshop on T-21. If the County wants to go this route, it needs to make plans now and get consultants on board, meeting all of the VDOT requirements, such as pre-award audit and DBE.
- Maintenance Funds-As it is, it is beyond the maintenance budget to repair. We discussed finding another bridge to replace it. If so, this could be a maintenance budget item, but it is considered a very long shot to find a bridge that will work in that location. The other question is whether VDOT would allow a one-lane bridge (if one could be found).

II. Assignments

- Mel is going to check and see if VDOT will allow a one-lane bridge under T-21.
- David is going to meet with the VDOT Transportation Board representative and see if he would consider helping get a T-21.
- Bonnie is to send out meeting notice and let everyone check their calendar.
- We want to get a BOS report ready for the May meeting, May 16th.

REVENUE SHARING:

- There is still no word on the share to expect this year.
- If like last year, close to 70% expected from citizens.
- The Question is whether or not the Board would want to change its program so that it receives the Revenue Sharing and decides to fund a certain number of projects at the 50%, and when the money runs out, let the people not addressed come back the next year.
- How to prioritize the projects for funding-use the existing priorities? What would they be for the 3 projects filed this year?
- Would projects not addressed by the funding be 1st in line next year or have to be reprioritized?
- OR would the Board keep the program like it is and tell people they would need to come up with all their required share?
- We want to get a BOS report ready for the May meeting, May 16th on this item. Tony Handy is going to start working on this Board report.

RESOLUTION OF SUPPORT/CLEMENTS MILL ROAD BRIDGE

Mr. David Hurt, Boone District Supervisor, requested the Board to forward a resolution of support to VDOT with regard to an in-kind replacement of a single lane steel case structure for Clements Mill Road.

(RESOLUTION #03-04-2006)

BE IT THEREFORE RESOLVED by the Board to authorize staff to forward to VDOT, a resolution of support of an in-kind replacement of a single lane steel case structure for Clements Mill Road.

MOTION BY: David Hurt

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Wagner, Johnson, Quinn & Angell

ABSENT: Poindexter

STATE ROUTE 122/670 RIGHT TURN LANES

Scott Woodrum, VDOT, Salem District & Design Division, presented the Board with a proposed intersection design based on the preliminary field inspection work completed on 10.26.04 for the re-alignment of Route 670 with Route 122.

Mr. Woodrum advised the Board the purpose of the proposed realignment is to reduce the square of the curve and improve the right turning movement from intersection point to intersection point. A traffic light at this intersection of 670/122 intersection will be studied. General discussion ensued. Project is due to be bid in January 2008.

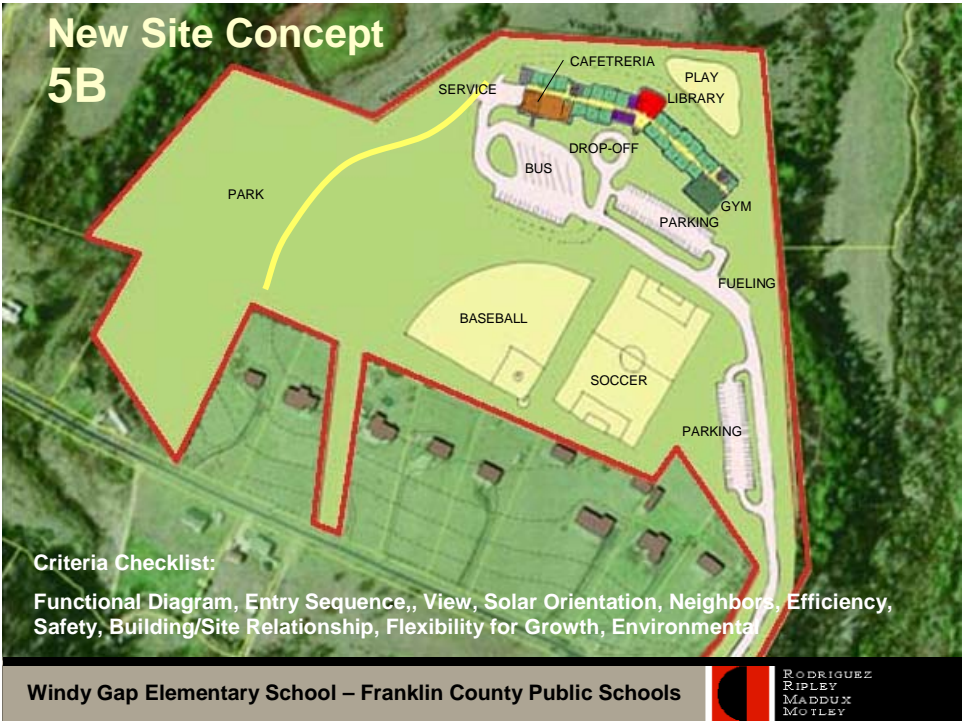
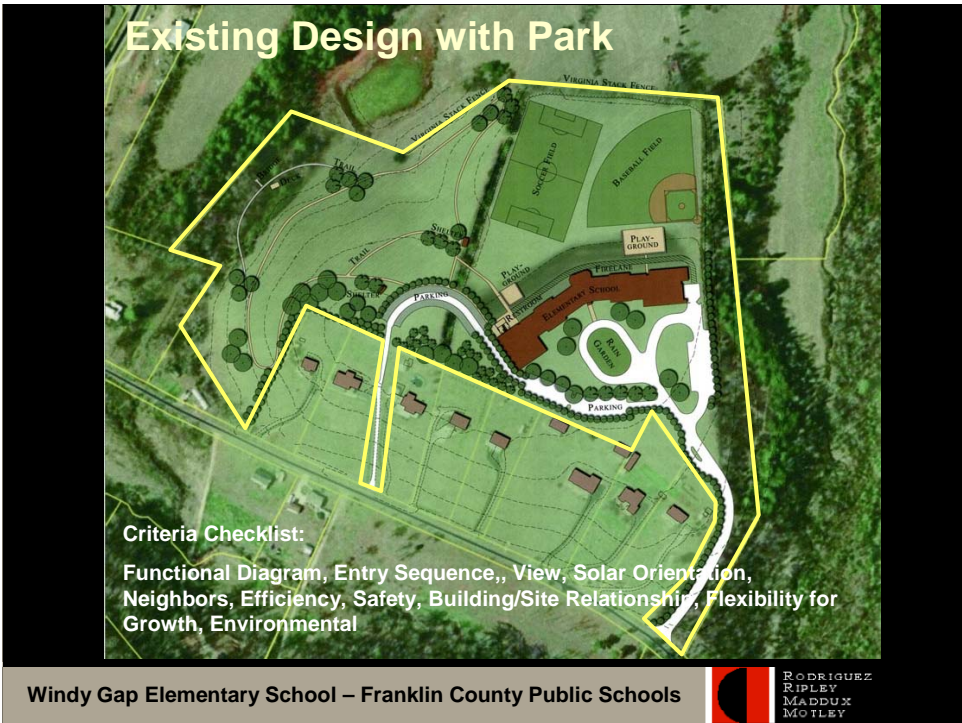
(RESOLUTION #04-04-2006)

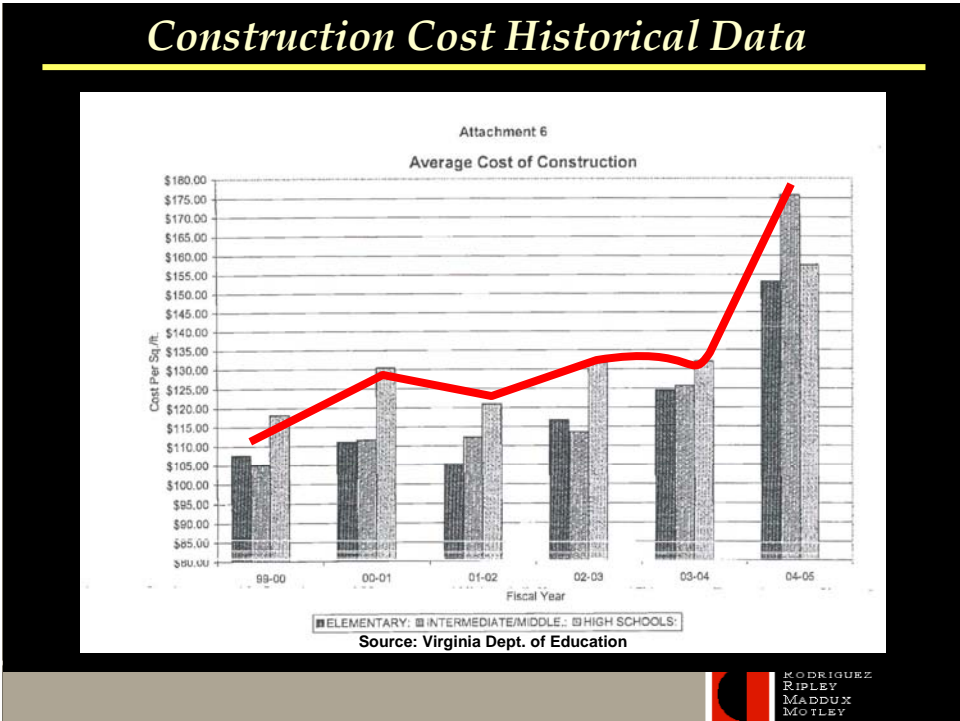
BE IT THEREFORE RESOLVED by the Board to approve VDOT's recommendation for the re-alignment concept plan as submitted and reviewed for Route 122/670.

MOTION BY: Russ Johnson
SECONDED BY: David Hurt
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

WINDY GAP PRESENTATION

Dr. Larry Hixon, Superintendent ,Steve Oakes, Director of Transportation & Facilities of Franklin County Public Schools, and Ben Motley, AIA, Rodriquez, Ripley, Maddux, Motley, shared with the Board the following designs and proposed cost(s) of a proposed new elementary school in the Windy Gap section of the County:





Budget Summary

3/29/2006

Windy Gap Elementary School (Based Upon Concept 5B)

ITEM DESCRIPTION	Budget w/ Large Gym	Budget w/ Small Gym
HARD COSTS (CONSTRUCTION COSTS)		
Gross Square Footage (Approximate)	51,000	47,500
Recommended Budget for Hard Costs (Sitework and Building)	\$10,848,000.00	\$10,498,000.00
SOFT COSTS		
Architectural / Engineering Fees (Basic Services)	495,500	475,000
Special Permitting and Agency Review	10,000	10,000
Surveys (Topographic / Geotechnical)	25,000	25,000
Hazardous Materials Abatement/Monitoring	0	0
Reproductions, Misc Expenses	30,000	30,000
Recommended Construction Contingency (3%)	325,440	314,940
Inspections and testing	60,000	60,000
Fueling Station	20,000	20,000
Temporary Bldg Leases	0	0
Subtotal Soft Cost	965,940	934,940
Total Project Budget	\$11,813,940	\$11,432,940

Comparative Data Analysis

Construction Budget per SF (rounded)	\$213	\$221
State Average Cost/SF Elementary Schools 2004/2005 (Building and Sitework)	\$153.16	\$153.16
Escalation Multiple @8% per year for two years	\$ 1.17	\$ 1.17
Resultant Cost/SF	\$179.20	\$179.20
Budget recommendation versus straight escalation calculation	119%	123%

Special Notes

- No pregrading package
- Seeding only - No Landscape Plan
- No Park and Ballfields Development other than Grading
- Well Drilling already done
- No Underground Stormwater Management - If desired, add \$200,000
- Remember to allow for inflation if project does not move ahead promptly
- Furniture, Fixtures, Technology not included - Recommended Budget: \$612,000
- Kitchen Equipment Not Included - Recommended Budget: \$350,000

Rodriguez, Ripley, Maddux, & Motley Architects

General discussion and questions ensued regarding the sewage treatment system, water, road access, neighborhood park design, future expandability of the existing site, building design for 350 potential students with a building capacity of 450 persons, the visibility of the building by the public, traffic on St. Rt. 616, current & projected student populations, and any proposed new / realignment of current school districts. The Board requested the School Board to provide additional information to address these questions and therefore, will re-visit this item again during the Board's April 25th, 2006 meeting.

PIEDMONT COMMUNITY SERVICES CENTER LOCATION

Jim Tobin, Executive Director, Piedmont Community Services, shared with the Board the plans for a service center to be located at the corner of North Main Street and Technology Drive, Rocky Mount.

As you are probably aware, Piedmont Community Services (a state mandated community services board) has been planning a facility at North Main Street & Technology Drive, Rocky Mount, to serve Franklin County for many years to come. The current offices on Court Street and Maple Avenue are seriously overcrowded and no longer safely serve county citizens.

Preliminary plans are complete for a 15,000 sq. ft. professional facility. Your assistance is much needed to accomplish this facility for the County.

- I. County funding to PCS is requested to be increased by \$25,000 per year to assist with payment of the long-term mortgage. The draft FY 07 allocation to PCS is \$55,115 – total requested is \$80,115.

The project cost is projected at \$2,500,000. PCS has committed \$500,000 with the balance planned from a long-term loan from USDA Rural Development. Additional County funds are needed to make ongoing payments without diverting scarce operational funds away from direct services.

- II. Before the Piedmont Community Services Board can borrow funds from Rural Development or other sources, the specific prior approval of the four governing bodies is required. Enclosed is a requested draft Resolution.

Piedmont Community Services provides a network of mental health, mental retardation and substance abuse services. In the past year approximately 1,115 separate individuals directly benefited from counseling, crisis intervention, residential or other services. Approximately 52 PCS employees have their primary work site in the County. Extensive linkages exist with the County law enforcement, schools, health care providers, social services and virtually all other human services.

PROJECT DESCRIPTION
FRANKLIN COUNTY SERVICE CENTER
PIEDMONT COMMUNITY SERVICES

After many years in preparation, Piedmont Community Services (PCS) is planning to construct a building to serve the behavioral healthcare needs of Franklin County. PCS currently operates from two office sites in Rocky Mount (Court Street and Maple Avenue). Neither location has adequate space or layout to accommodate the growing demands for professional mental health, mental retardation and related services.

Planned services for this Center are counseling offices, crisis staff, physicians and nurses, case managers, outreach and education workers. Adults, children and families will be served from this single location. Conference rooms will provide meeting and group counseling space. This single location, versus the current separate locations, will be more efficient and provide better customer service to County residents.

Land has been purchased at the corner of North Main Street and Technology Drive, Rocky Mount. Preliminary drawings call for a single story modern office building of approximately 15,000 square feet. Current staff and services will be better accommodated and a modest amount of expansion capability is planned.

The site has approximately 2.88 acres of almost flat land. The land has never been developed but is located in a growing part of the Franklin County community. Note the enclosed map and preliminary site plan showing an entrance from Technology Drive. Located near this site are

some commercial activities, a high school (CATCH Center), YMCA, public walking trails and other open land. No historic property will be affected or are within project site.

Piedmont Community Services is the agent of Franklin County, Henry County, Patrick County and Martinsville for planning, coordination and provision of mental health, mental retardation and substance abuse services. Formed in 1972, the PCS Mission is to provide a comprehensive network of high quality behavioral health services to adults and children. The Franklin County Service Center is an important progressive step that will foster adequate programs for County residents.

PCS is licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services. Funding is from a wide variety of sources but the principle ones are the Virginia Commonwealth, federal block funds, fees, including Medicaid and Medicare, local governments, United Ways and others.

Funds for this Service Center are being sought from the Farmers Home Administration (US Department of Agriculture). Up to \$2,000,000 of FHA low interest loan funds are being considered as the principle financing.

DRAFT
RESOLUTION

WHEREAS, Piedmont Community Services is a “community services board” as defined in Chapter 10 of Title 37.1 of the Code of Virginia (1950), as amended; and

WHEREAS, Piedmont Community Services was created in 1972 by Resolutions of Franklin County, Henry County, Patrick County and Martinsville, to serve as their agent for the planning, coordination and provision of mental health, mental retardation and substance abuse services; and

WHEREAS, in accordance with Code of Virginia (1950) § 37.1-197(A)(11), as amended, a community services board is expressly authorized to apply for and accept loans as authorized by the governing bodies that established it;

NOW, THEREFORE, BE IT RESOLVED by the County of Franklin that Piedmont Community Services by act of its Board of Directors is hereby authorized to apply for and accept loans and pledge assets as security for such loans in furtherance of its mission; PROVIDED, however, that such authorization shall not be deemed in any manner to authorize or otherwise permit Piedmont Community Services to incur any debts or create any liabilities on behalf or in the name of County of Franklin.

The undersigned hereby certifies that the foregoing Resolution was duly adopted at a regularly scheduled meeting by the Franklin County Board of Supervisors, Rocky Mount, Virginia, on the 18th, day of April, 2006, and that said Resolution remains in full force and effect.

Dated this 18th day of April, 2006.

(RESOLUTION #05-04-2006)

BE IT THEREFORE RESOLVED by the Board to approve the submitted resolution as presented for the Board’s review.

MOTION BY: David Hurt
 SECONDED BY: Hubert Quinn
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Poindexter, Johnson, Quinn & Angell
 ABSTAINED: Wagner

6-0-1-0 VOTE

UPDATE ON RELIANCE VENTURES REZONING – SUP REQUEST

Frank Fiori, Director of Planning and Community Development, shared with the Board the following:

RELIANCE VENTURES (CRAZY HORSE CAMPGROUND AND MARINA)

OVERVIEW OF PROPOSED PROJECT

- Various rezonings on two parcels:

- B-2 to RPD
- A-1 to RPD
- A-1 to B-2
- Deviations requested:
 - Minimum lot width from 75' to 40'
 - Minimum lot width from 75' to 30'
 - Minimum side setback from 10' to 0'
 - Minimum rear setback from 30' to 12' for units D-9 and D-10
 - Minimum lot area from 7,500 sf to 6,000 sf for the duplexes
- Special Use Permits applied for:
 - Private roads
 - Public water and sewer
 - Treatment for 60,000 gallons
 - Drainfields for 120,000 gallons
- Proffers have been submitted by the applicant
- Housing Units:
 - 120 multi-family units
 - 4 single family units
- Will be closing the two existing road entrances from 616 and creating only one new entrance

General discussion ensued.

EMS BILLING REVENUE RECOVERY UPDATE

Richard E. Huff, II, County Administrator, shared with the Board the update on the EMS Billing Revenue Recovery. Mr. Huff requested direction from the Board to cease the soft billing and collect from Medicare only and not County residents.

(RESOLUTION #06-04-2006)

BE IT THEREFORE RESOLVED by the Board to authorize staff to cease soft billing from local county residents and to collect from Medicare only.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

EMS BILLING REVENUE USE

(RESOLUTION #07-04-2006)

BE IT THEREFORE RESOLVED by the Board to use all EMS billing revenue to further expand the existing services for Emergency Services only.

MOTION BY: Charles Wagner

SECONDED BY: Charles Poindexter

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

OTHER MATTERS BY SUPERVISORS

APPOINTMENTS/TERMS WILL EXPIRE JUNE 30TH, 2006

- Library Board (3-Yr. Term) Blackwater District
- Planning Commission (4-Yr. Term) Snow Creek District
- Recreation Commission (3-Yr. Term) Snow Creek, Boone & Union Hall Districts
- Social Services Board (3-Yr. Term) Gills Creek & Union Hall Districts
- Western Piedmont Disabilities Services Board (3-Yr. Term) Board of Supervisor Representative
- STEP (2-Yr. Term) Two Citizen Appointments
- Patrick Henry Community College (4-Yr. Term) One Citizen Appointment (***See Attachment #4***)
- Piedmont Community Services Board (3-Yr. Term) Two Citizen Appointments (***See Attachment #5***)

Diane Lovell & Charles Wagner (Re-appointed 6/30/2009)

- Dan River VSAP (3-Yr. Term) One Citizen Appointment

**PIEDMONT COMMUNITY SERVICES BOARD (3-YR. TERM) TWO CITIZEN APPOINTMENTS
(RESOLUTION #08-04-2006)**

BE IT THEREFORE RESOLVED by the Board to re-appoint Diane Lovell and Charles Wagner to serve on the Piedmont Community Services Board with said terms to expire 6/30/2009.

MOTION BY: Russ Johnson

SECONDED BY: Charles Poindexter

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

OTHER MATTERS BY SUPERVISORS

David Hurt, Boone District Supervisor

- Cash Proffers – Mr. Hurt requested the Board to go forward to with consideration of a Cash Proffer system. General discussion ensued. The Board requested staff to prepare a brief memorandum outlining the required steps the County would have to take prior to moving forward with a Cash Proffer system.
- PDR Grant Application – This item will be discussed during the May meeting.

Russ Johnson, Gills Creek District Supervisor

- Planning Issues
- AEP Re-Licensing Update – Mr. Johnson presented the following power point presentation:

**SMITH MOUNTAIN PROJECT NO. 2210
APPLICATION FOR NEW LICENSE**

***STUDY PLANS UPDATE MEETING
MARCH 29 & 30, 2006***

**ACTIVITIES ACCOMPLISHED
THROUGH MARCH 2006**

- Notice of Intent and Pre-Application Document Filed - 10/25/2004
- Scoping Document No. 1 Issued – 12/27/2004
- Public Scoping Meeting Held – 1/26 & 1/27, 2005
- Initial Study Plans Filed – 3/15/2005
- Scoping Document No. 2 Issued – 4/20/2005
- Initial Work Groups Meetings – 6/21/2005 thru 7/8/2005

**ACTIVITIES ACCOMPLISHED
THROUGH MARCH 2006 (cont'd)**

- Public Study Plans Meeting – 5/12 & 5/13, 2005
- Revised Study Plans Filed – 8/11/2005
- Study Plan Determination Issued – 9/9/2005
- Work Groups Meetings – 1/11/2006 thru 3/2/2006
- Study Plans Update Meeting No. 1 – March 29 & 30, 2006

STUDIES

- Instream Flow Needs
- Roanoke Logperch
- Erosion
- Sedimentation
- Socioeconomics
- Native & Exotic Aquatic Vegetation
- Recreation Assessment
- Angler Use Survey
- Drought & Flood Management
- Water Withdrawals
- Water Quality
- Fish Entrainment & Impingement
- Debris
- Navigational Aids
- Archaeological and Historic Resources
- Littoral Habitat and Fish Rearing

WORK GROUPS MEETINGS

- | | |
|--|-----------------------------------|
| • Navigational Aids | June 21, 2005 |
| • Erosion | June 24, 2005 & January 26, 2006 |
| • Sedimentation | June 24, 2005 & January 26, 2006 |
| • Recreation Assessment | June 28, 2005 & February 23, 2006 |
| • Socioeconomics | June 28, 2005 & January 20, 2006 |
| • Debris | July 5, 2005 |
| • Native and Exotic Aquatic Vegetation | July 5, 2005 & February 16, 2006 |
| • Instream Flow Needs | July 6, 2005 & January 11, 2006 |
| • Water Quality | July 7, 2005 |
| • Fish Entrainment & Impingement | July 7, 2005 |
| • Roanoke Logperch | July 8, 2005 & January 11, 2006 |
| • Angler Use Survey | July 8, 2005 & February 23, 2006 |
| • Drought and Flood Management | July 6, 2005 & March 2, 2006 |
| • Water Withdrawals | July 6, 2005 & March 2, 2006 |
| • Littoral Habitat and Fish Rearing | February 16, 2006 |
| • Historic & Archaeological Resources | None |

FUTURE ACTIVITIES

- | | | |
|--|----------|------------|
| • First Season of Studies: | 3/1 thru | 12/31/2006 |
| • Initial Study Report: | | 9/12/2006 |
| • Initial Study Report Meeting: | | 9/27/2006 |
| • Second Study Report & NOI to File Draft Application: | | 9/12/2007 |
| (If selected by Applicant) | | |
| • Updated Study Report Meeting | | 9/27/2007 |
| • File Preliminary Draft Application or License Proposal | | 11/2/2007 |
| • File for 401 Certification | | 11/2/2007 |
| • File Application for New License | | 3/31/2008 |

**SMITH MOUNTAIN PROJECT NO. 2210
RELICENSING WEB SITE**

<http://www.smithmtn.com>



- Historical Society Funding Clarification -

CLOSED MEETING

(RESOLUTION #09-04-2006)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-3, Acquisition of Land, and a-5, Discussion of a Prospective New Business or Industry, and a-7, Consult with Legal Counsel, of the Code of Virginia, as amended.

MOTION BY: Charles Poindexter

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

MOTION: Charles Wagner

SECOND: Charles Poindexter

RESOLUTION: #10-04-2006

MEETING DATE April 18th, 2006

WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn, & Angell

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

Chairman Wayne Angell recessed the meeting for the previously advertised public hearings as follows:

PETITION of Edgewater Associates, LLC, as Petitioner and Owner, to request an Amendment to the approved Special Use Permit dated May 20, 2003 to remove Condition #16 and amend Condition #2 to allow lot owners of the new section Three of Edgewater Subdivision to use the common area and to clarify the intent of the Special Use Permit regarding to all lots and tracts that will have use of the common area and facilities. The property is currently zoned A-1, Agricultural. The future land use map of the adopted Comprehensive Plan designates this area as Low Density Residential which allows for gross densities of one to two dwelling units per acre. The property is located on State Route 942, Bluewater Drive, in the Gals Creek Magisterial District of Franklin County, and is identified on Franklin County Real Estate Tax Records as Tax Map # 32, Parcel #'s 4.1 through 4.34; and Tax Map

WITHDRAWN

Clyde Perdue, Attorney, representing the petitioner requested the Board to withdraw without prejudice. The Board did not concur with the request. Therefore, Mr. Perdue contacted the petitioner to advise the Board whether the petitioner still wants to move forward and hear the request tonight.

Mr. Perdue returned and withdrew the petition for Edgewater Associates, LLC as advertised.

PETITION of Virginia PCS Alliance, L.C., d/b/a NTELOS, as Petitioner, Owner of Property Margaret B. Robertson, to apply for a Special Use Permit for a +/- 10,000 square foot area of land, a portion of 59.82 currently zoned A-1, Agricultural District, for the purpose of the installation of a proposed 199 foot telecommunications facility with available collocation opportunities for four (4) additional carriers. The facility shall be monopole type with an initial 16 ft. x 16 ft. (256 square feet) fenced ground area. The future land use map of the adopted Comprehensive Plan for Franklin County designates this area as Low Density Residential which allows for gross densities of one to two dwelling units per acre. The property is located on State Route 678, Edwardsville Road, in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 12, Parcel # 112. (Case #U06-03-01)

Will Diblin, Attorney, presented the special use permit for Virginia PCS Alliance, LC as advertised. No one spoke for or against the proposed petition.

(RESOLUTION #11-04-2006)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the petition as advertised with the following conditions in accordance with County Code Section 25-638 and in accordance with § 15.2-2283. Purpose of zoning ordinances. Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-220.

Conditions:

1. The applicant shall develop the tower in substantial conformity with the plans titled "Grimes Creek, Site # RN716" as prepared by Balzer and Associates, Inc., and dated February 2, 2006, in addition to all materials as submitted by the applicant or their representatives.

Deviations:

1. A deviation of fifty-three (53) feet from the 500- foot setback requirement from the residential dwelling unit located on adjacent property owned by Mark A. Robertson and Melissa C. Robertson and identified as Tax Map #12, Parcel # 112.1.

MOTION BY: Russ Johnson

SECONDED BY: Hubert Quinn

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PETITION of Chestnut Creek Land Company, LLC, as Petitioner and Owner, is requesting to amend the original master plan for Chestnut Creek Subdivision as approved to change a portion of the master plan from future marina use to multi-family use for twenty-four condominiums with supporting infrastructure to be known as Mulligan Bay Condominiums. The property is currently zoned RPD, Residential Planned Unit Development. The future land use map of the adopted Comprehensive Plan for Franklin County designates this area as Low Density Residential which allows for gross densities of one to two dwelling units per acre. The property is located off Route 616, Morewood Road, in the Chestnut Creek Subdivision on Church Drive, in the Gills Creek Magisterial District of Franklin County, and is identified on Franklin County Real Estate Tax Records as Tax Map # 15, Parcel # 33.11. (Case #U06-03-02)

Clyde Perdue, Attorney, presented the petitioner's request.

No one spoke for or against the proposed petitions for Chestnut Creek.

(RESOLUTION #12-04-2006)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the proposed amendment to the Master Plan as advertised with proffers as follows and in accordance with § 15.2-2283. Purpose of zoning ordinances. Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-220.

1. The property will be developed in substantial conformance with the Concept Plan prepared by Parker Design Group, dated February 6, 2006, revised March 14, 2006, being filed with Franklin County Planning Staff.
2. All commercial uses permitted in the RPD district will be prohibited.
3. The proposed Central Sewer System shall be designed and constructed to the Franklin County Chapter 22 Utility Regulations, and Virginia Department of Health Sewage Connection and Treatment Regulations and Sewage Handling and Disposal Regulations, and any related Guidance Memorandum Policies.

4. The proposed condominium buildings will be constructed in general conformance of the conceptual floor plans and elevations prepared by Interactive Design Group.
5. A commercial entrance permit shall be obtained by Virginia Department of Transportation.
6. No more than 24 dwelling units shall be constructed.
7. Condominium Association documents shall at a minimum contain provisions to:
 - Maintain Central Sewer System.
 - Maintain landscaping on condominium property.
 - Maintain the Low Impact Development techniques designed to benefit the project.
8. Short term rentals shall be prohibited.
9. If a Homeowners Association is established for the Mulligan Bay condominium development and such Association determines not to join the Chestnut Creek Property Owners Association, then the Mulligan Bay Homeowners Association shall contribute a reasonable sum related to the upkeep and maintenance of the "entrance garden" and the "private street lights" for the Chestnut Creek Subdivision.
10. Low Impact Development techniques such as, but not limited to, infiltration trenches, and vegetated buffers shall be designed at a minimum to provide adequate storage and infiltration for a runoff volume equal to ½ inch on the multi-family dwellings.
11. The existing vegetative buffer along the shoreline (below the "cart path") shall remain undisturbed except as necessary for location of the docks and for construction of the project. Any area disturbed will be "rip-rapped".

MOTION BY: Russ Johnson

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PETITION of Chestnut Creek Land Company, LLC, as Petitioner and Owner, to apply for a Special Use Permit for the purpose of a central sewer system to support a proposed multi-family development of twenty-four condominiums. The property is currently zoned RPD, Residential Planned Unit Development. The future land use map of the adopted Comprehensive Plan for Franklin County designates this area as Low Density Residential which allows for gross densities of one to two dwelling units per acre. The property is located off Route 616, Morewood Road, in the Chestnut Creek Subdivision on Church Drive, in the Gills Creek Magisterial District of Franklin County, and is identified on Franklin County Real Estate Tax Records as Tax Map # 15, Parcel # 33.11. (Case #U06-03-03)

No one spoke for or against the proposed Chestnut Creek Land Company as advertised.

(RESOLUTION #12-04-2006)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the petition as advertised with the following conditions in accordance with County Code Section 25-638 and in accordance with § 15.2-2283. Purpose of zoning ordinances. Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-220.

1. A primary and fifty percent (50%) reserve area capable of providing an approved method of sewage disposal for the proposed use must be dedicated and approved by VDH prior to any approvals granted by the Departments of Planning and Community Development or Building Inspections for the subject property.
2. Effluent from any future wastewater treatment facility shall be disinfected by ultra-violet light prior to subsurface disposal.
3. Any future wastewater treatment facility, including drainfields, shall provide adequate treatment to reduce the effluent strength to the following maximum contaminant levels:
 - Biochemical Oxygen Demand (BOD) 30 mg/1
 - Total Suspended Solids (TSS) 30 mg/1
 - Total Nitrogen 5 mg/1

Provide the County's Public Works Department with a 4-hour composite sample that measures ph, BOD, TSS of the treated water before it goes into the ground. A nitrogen dilution area shall be provided to reduce total nitrogen to 5 mg/1, or less.

4. Design of any future wastewater facility shall comply with the current Sewage Collection and Treatment Regulations and On-site Sewage Handling and Disposal Regulations and any related interpretations and guidance memorandum policies.
5. Documentation of all soils information and drainfield sizing shall be provided for review which will include calculations for ground water mounding and nitrate loading. Documentation shall also include information to validate any assumptions made in the calculation such as depth to any restrictive layers below installation depth.
6. The areas that are designated as reserve drainfields shall not be disturbed and shall remain in its current condition with the exception of passive recreation uses and landscaping.

7. The applicant shall connect to a public utility providing sewage treatment should it become available.
8. The central sewer system shall only serve sewage generated from the development proposed on Tax Parcel # 15-33.11.
9. The applicant shall provide an operations plan for the treatment facility and drainfield to include establishment of escrow for the maintenance, operation and capital replacement of equipment and shall appoint a trustee who shall be responsible for the administration of the plan. The applicant shall also file quarterly reports with the County's Department of Public Works copies of any reports filed to VDH and O&M logs and monitoring reports.
10. Test wells to monitor ground water quality shall be installed under the auspices of Virginia Department of Health, if required.

MOTION BY: Russ Johnson

SECONDED BY: Charles Poindexter

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PETITION of White Sands Holdings, LC, as Petitioner, Owner Timothy J. Thielecke, to apply for a Special Use Permit for the purpose of a central sewer system with the capacity of 47,330 gallons per day. The system will consist of gravity collection system to a treatment area that will include septic tanks, treatment units, and a pump station. The property is currently zoned B2, Business District General. The future land use map of the adopted Comprehensive Plan for Franklin County designates this area as Rural Village Center and does not set forth a density range. The property is located on State Route 122 North in the Westlake Overlay District, +/- 300 feet north of Route 616, Morewood Road, in the Gills Creek Magisterial District of Franklin County, and is identified on Franklin County Real Estate Tax Records as Tax Map # 30, Parcel # 12.1. (Case # U06-03-04)

Clyde Perdue, Attorney, presented the petitioner's request.

No one spoke for or against the proposed petition.

(RESOLUTION #13-04-2006)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the petition as advertised with the following conditions in accordance with County Code Section 25-638 and in accordance with § 15.2-2283. Purpose of zoning ordinances. Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-220.

Special Use Permit Conditions:

1. A primary and 100% reserve area capable of providing an approved method of sewage disposal for the proposed use must be dedicated and approved by VDH prior to any approvals granted by the Departments of Planning and Community Development or Building Inspections for the subject property.
2. Effluent from any future wastewater treatment facility shall be disinfected by ultra-violet light prior to subsurface disposal.
3. Any future wastewater treatment facility shall provide adequate treatment to reduce the effluent strength to the following maximum contaminant levels:
 - Biochemical Oxygen Demand (BOD) 30 mg/1
 - Total Suspended Solids (TSS) 30 mg/1
 - Total Nitrogen 5 mg/1

Provide the County's Public Works Department with a 4-hour composite sample that measures ph, BOD, TSS, and total Nitrogen of the treated water before it goes into the ground.

4. Design of any future wastewater facility shall comply with the current Sewage Treatment and Collection Regulations and On-site Sewage Handling and Disposal Regulations and any related interpretations and guidance memorandum policies.
5. Documentation of all soils information and drainfield sizing shall be provided for review which will include calculations for groundwater mounding and nitrate loading. Documentation shall also include information to validate any assumptions made in the calculation such as depth to any restrictive layers below installation depth.
6. All drainfields shall be installed prior to installation of paving.
7. The applicant shall connect to a public utility providing sewage treatment should it become available.
8. The central sewer system shall only serve sewage generated from the development proposed on Tax Parcel # 30-12.1.
9. The applicant shall provide an operations plan for the treatment facility and drainfield to include establishment of escrow for the maintenance, operation and capital replacement of equipment and shall appoint a trustee who shall be responsible for the administration of the plan.

10. Test wells to monitor ground water quality shall be installed under the auspices of Virginia Department of Health, if required.
11. The design of the wastewater treatment plant shall not exceed a capacity of 60% of the total drainfield capacity.

MOTION BY: Russ Johnson

SECONDED BY: Hubert Quinn

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

PUBLIC NOTICE

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M., on Tuesday, April 18th, 2006**, in the Meeting Room located in the Courthouse, Rocky Mount, Virginia to consider the adoption of a proposed ordinance to the Franklin County Code **Chapter 12: Article III. Section 12-30: Noise Ordinance**. The purpose and intent of this article is to establish standards and guidelines for the abatement of certain noises related to electronically amplified sound and to promote the health, safety and general welfare of the public. The proposed Noise Ordinance will have a decibel range of 60-80 with a definite level to be designated at the time of passage after the public hearing is held. The ordinance will be considered for the entire County or, alternatively, will apply to an area 500 feet, measured horizontally, inland from the 795 foot contour line of Smith Mountain.

NOISE ORDINANCE

ARTICLE III

CHAPTER 12-30: NOISE ORDINANCE

Section 12-30: Purpose.

The purpose and intent of this article is to establish standards and guidelines for the abatement of certain noises and to promote the health, safety and general welfare of the public.

Section 12-31: Definitions.

The following terms, words and phrases, when used in this chapter, shall have the meanings hereinafter ascribed to them, unless otherwise clearly indicated by the context in which used:

Decibel. A unit for measuring the volume of sound equal to twenty (20) times the logarithm to the base ten (10) or the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; and is abbreviated db(a) or dba.

Device. Any mechanism, which is intended to, or actually produces noise when operated or handled.

Emergency Work. Any work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from immediate exposure to danger, including work performed by public service companies when emergency inspection, repair of facilities or restoration of services is required for the immediate health, safety or welfare of the community.

Motor Vehicle. Any vehicle which is self-propelled or designed for self-propulsion including, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motor boats and racing vehicles and any motorcycle (including, but not limited to, motor scooters, mini-bikes, all-terrain vehicles and three wheelers) as defined by Code of Virginia, §46.2-100, Definitions.

Noise. Any sound which may cause or tends to cause an annoyance or disturbance or which causes or tends to cause an adverse physiological or psychological effect on human beings.

Noise Disturbance. Any unnecessary sound which annoys, disturbs or perturbs reasonable persons with normal sensitivities; or any unnecessary sound which reasonably may be perceived to injure or endanger the comfort, repose, health, peace or safety of any person.

Sound. Any oscillation in pressure or particle medium with internal forces that causes rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound Pressure. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space.

Sound Level. The weighted sound pressure level obtained by the use of a sound level meter and the A- frequency-weighting network, as specified in the American National Standards Institute Specification for Sound Level Meters.

Sound Level Meter. An instrument which includes a microphone amplifier, RMS detector, integrator or time average, output meter and weighting networks used to measure sound pressure levels.

Person. Any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency or any legal successors, representative, agent or agency thereof.

Public Right-of-Way. Means any street, avenue, boulevard, highway, alley or public space which is owned or controlled by a public governmental entity.

Weighted Sound Level. The sound pressure level in decibels as measured on a sound level meter using the A-Weighing network.

Section 12-32: Administration and Enforcement.

The provisions of this article shall be enforced and administered by the Sheriff of Franklin County, who is hereby designated as the Noise Control Officer for the County of Franklin. The Sheriff may, in his discretion, ask for the assistance of other departments within the county in administering and enforcing the provisions herein.

Section 12-33 Noises prohibited. The following act is violation of this article:

- (a) Using or operating a loudspeaker or other sound amplification device in a fixed or movable position exterior to any building, or mounted upon any motor vehicle or boat or mounted in the interior of a building or vessel with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property when such activities exceeds the Maximum Sound Pressure Levels as established in Section 12-34 of this Chapter.

Section 12-34: Maximum Sound Pressures Levels.

Table: Maximum Sound Pressure Levels

Receiving Land Use Category	Sound Level Limit dBA	
	7:00 am-11:30 pm	11:31 pm-6:59 am
Receiving Land/Property Sound Level Limit dBA	60-80 dba	60-80 dba

- 1. Sound shall be measured by the use of a sound level meter on the A-frequency-weighting network.
- 2. Sound shall be measured at the property line or right-of-way.

Section 12-35: Penalties and Violations.

- 1. Any person who violates any provision of this chapter shall be guilty of a Class 3 misdemeanor.
- 2. Each violation of any provision of this chapter shall constitute a separate offense, whether committed on the same or subsequent days.
- 3. The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that can not be determined, any owner, tenant, resident or occupant physically present on the property or in possession of the noise source, is presumed to be guilty of the violation.

Section 12-36: Noises exempted.

- 1. Radios, sirens, and horns on sheriff, police, fire or other emergency response vehicles.
- 2. Parades, fireworks or other permitted special events or activities.
- 3. Sound amplifying equipment used at public parks or recreation fields.
- 4. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public schools, provided that such activities have been authorized by school officials.
- 5. Religious services, religious events or religious activities, including, but not limited to music, bells, chimes and organs which are a part of such religious activity.
- 6. Commercial, industrial or business activities lawfully conducted on or permitted upon land, excluding noises prohibited as established in Section 12-33 of this Chapter.

THE FOLLOWING PEOPLE SPOKE REGARDING THE NOISE ORDINANCE:

Bill Taylor urged support for the proposed noise ordinance.

Ken Ralph urged support for the proposed noise ordinance.

Alice Sell urged support for the proposed noise ordinance.

Tim Reith, Owner, Mango’s Restaurant and President, Bridgewater Plaza Association, urged the Board study the noise ordinance over the summer and to be fair and equitable to everyone including the businesses located at the lake.

Alan Wilcox urged the Board to adopt a 70 dba until 11:00 p.m. and after such time sound should no be louder than 50 dba thereafter.

Bill Granis urged the Board to adopt the Noise Ordinance with a low dba

Clay Johnston, expressed his opposition for the proposed Noise Ordinance.

Some Board members expressed concern a sound meter demonstration was previously requested by the Board to be provided by the Sheriff’s Department, but no demonstration had been given to date. Therefore, the Board directed the County Administrator to proceed with an independent evaluation / demonstration of a sound meter as it relates to various noise ordinance levels and existing conditions / issues prior to the adoption of a noise ordinance.

General discussion ensued.

(RESOLUTION #14-04-2006)

BE IT THEREFORE RESOLVED by the Board to table action for the proposed Noise Ordinance until May 16th, 2006 meeting.

MOTION BY: Charles Wagner

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

Chairman Angell adjourned the meeting until Tuesday, April 25th, 2006 @ 7:00 P.M., in the Board of Supervisor’s meeting room.

W. WAYNE ANGELL
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR